IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

WP(C).No. 16238 of 2006(F)

PETITIONER:

MOIDU, S/O. CHENNADAN ALANKODE MOHAMMED, VAKKUMPURAM AMSOM DESOM, TIRUR TALUK.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS:

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1. **THE TALUK LAND BOARD, PERINTHALMANNA.**

2. **THE TAHASILDAR, PERINTHALMANNA.**

3. **THE VILLAGE OFFICER, KURUVA VILLAGE, PERINTHALMANNA TALUK.**

BY GOVERNMENT PLEADER SMT. R. BINDU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.16238/2006 G

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE PETITION FILED UNDER SEC.85 (8) OF THE KLR ACT.**

EXT.P2: **COPY OF THE PETITION FOR CONDONATION OF DELAY.**

EXT.P3: **COPY OF THE PETITION FOR STAY OF THE PROCEEDINGS IN S.R.5/73 OF THE TLB PERINTHALMANNA.**

EXT.P4: **COPY OF THE COUNTER AFFIDAVIT.**

EXT.P5: **COPY OF THE ORDER OF THE TLB.**

EXT.P6: **COPY OF THE REPLY STATEMENT.**

EXT.P7: **COPY OF THE JUDGMENT IN WP(C) NO.28955/2005.**

/TRUE COPY/

P.A.TO JUDGE

KSS

M.N.KRISHNAN, J.

WP(C)No. 16238 OF 2006 G

Dated this the 13th August, 2007.

JUDGMENT

This writ petition is filed directing the Taluk Land Board to dispose of Exts.P1 to P3 applications. Ext.P1 is an application filed under Section 85(8) of the Kerala Land Reforms Act,1963 wherein the petitioner claims right over the property. Ext.P2 is the petition to condone delay in filing the 85(8) petition and Ext.P3 is an application for stay regarding dispossession of the petitioner. In an earlier round of litigation this court has directed the Taluk Land Board to consider the very same applications and dispose it of in accordance with law. The writ petitioner has come to this court with the apprehension that there is a threat of forceful dispossession and if it materialises would destroy the entire right of the petitioner. This court has granted an interim stay of dispossession as prayed for. Now what is sought to be achieved is only to direct the Board to dispose of the applications filed under Section 85(8). I feel, in the interest of justice and especially in the light of the previous order passed by this court it is only proper to direct the Taluk Land Board to consider Exts.P1 and P2 applications in accordance with law and dispose it of on merits after hearing all

concerned. It is also made clear that till a final decision is taken on Exts.P1 and P2 the petitioner shall not be dispossessed and the Taluk Land Board is directed not to take possession of the property. If the writ petitioner apprehends any committing of waste he is given liberty to approach the Taluk Land Board for an interim order to that effect. The Taluk Land Board is further directed to dispose of the matter within a period of three months from today. Parties are directed to appear before the Taluk Land Board on 7.9.2008. Writ petition is disposed of accordingly.

M.N.KRISHNAN
Judge

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